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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2010-553

11 **JASMIN TAGANAS MARTINEZ AKA**
12 **JASMIN ARGEL TAGANAS MARTINEZ**
13 **AKA JASMIN TAGANAS BUENO**
3547 Dartmouth Lane
14 Rowland Heights, CA 91748
Registered Nurse License No. 464970

A C C U S A T I O N

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing (Board),
21 Department of Consumer Affairs.

22 2. On or about March 31, 1991, the Board issued Registered Nurse License Number
23 464970 to Jasmin Taganas Martinez aka Jasmin Argel Taganas Martinez aka Jasmin Taganas
24 Bueno (Respondent). The Registered Nurse License was in full force and effect at all times
25 relevant to the charges brought herein and will expire on May 31, 2010, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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9. California Code of Regulations, title 16, section 1443.5 states:

"A registered nurse shall be considered to be competent when he/she consistently demonstrates the ability to transfer scientific knowledge from social, biological and physical sciences in applying the nursing process, as follows:

"(1) Formulates a nursing diagnosis through observation of the client's physical condition and behavior, and through interpretation of information obtained from the client and others, including the health team.

"(2) Formulates a care plan, in collaboration with the client, which ensures that direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and for disease prevention and restorative measures.

"(3) Performs skills essential to the kind of nursing action to be taken, explains the health treatment to the client and family and teaches the client and family how to care for the client's health needs.

"(4) Delegates tasks to subordinates based on the legal scopes of practice of the subordinates and on the preparation and capability needed in the tasks to be delegated, and effectively supervises nursing care being given by subordinates.

"(5) Evaluates the effectiveness of the care plan through observation of the client's physical condition and behavior, signs and symptoms of illness, and reactions to treatment and through communication with the client and health team members, and modifies the plan as needed.

"(6) Acts as the client's advocate, as circumstances require, by initiating action to improve health care or to change decisions or activities which are against the interests or wishes of the client, and by giving the client the opportunity to make informed decisions about health care before it is provided."

COST RECOVERY PROVISION

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

PATIENT R.T.

11. From about August 2007 to October 2007, Patient R.T. was a ninety (90) year old ventilator- dependent resident at Casa Bonita Convalescent and Sub-acute Facility in San Dimas (Casa Bonita). Patient R.T. suffered from coughing spasms which would often result in the disconnection of the tubing to the ventilator from her tracheotomy. The disconnection would cause the internal alarm on the ventilator to sound, which would in turn trigger the remote alarm or "door alarm" to sound outside of the resident's room.

12. At all times relevant to this case, Respondent was the manager at Casa Bonita's sub-acute unit. On or about October 25, 2007, Respondent devised a care plan for Patient R.T., stating that R.T. was "at risk for ventilator tubing disconnection [secondary] to cough R/T congestion (lung & heart)" and that her ventilator tubing needed to be checked at least every hour. On or about October 27, 2007, Patient R.T.'s daughter Denise T. visited R.T. at about 1000 hours and noticed that the door alarm outside of R.T.s' room had been turned off. Denise T. reported the problem to the staff. On several prior occasions, Denise T. had reported this problem to the staff and to Respondent. Denise T. left the facility at about 1700 hours to pick up her father. Upon return to Casa Bonita with her father one hour later at 1800 hours, she found Patient R.T. unresponsive and the ventilator tubing disconnected from her tracheotomy. The door alarm did not sound. Denise T. called out for help. Paramedics were dispatched at 1807 hours and arrived at Casa Bonita at 1810 hours. Patient R.T. could not be resuscitated and was pronounced dead at 1829 hours.

13. Subsequent investigation revealed that on October 27, 2007, the door alarm outside Patient R.T.'s room was turned off at about 1638 hours, and Patient R.T.'s ventilator tubing was disconnected at about 1750 hours. There was no documentation indicating that Patient R.T.'s tubing was checked every hour. There was no documentation indicating that several of the staff members, including the nursing supervisor working on October 27, 2007, had completed proper orientation and training.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Gross Negligence)**

3 14. Respondent is subject to disciplinary action under Code section 2761, subdivision
4 (a)(1), in conjunction with California Code of Regulations, title 16, section 1442, on the grounds
5 of unprofessional conduct, in that Respondent was grossly negligent in handling the problem with
6 Patient R.T.'s door alarm at Casa Bonita. The circumstances are as follows:

7 15. While a manager at Casa Bonita, Respondent failed to address or remedy the problem
8 about the door alarm after being notified by Denise T. on occasions prior to October 27, 2007 that
9 the door alarm failed to sound. Complainant refers to and incorporates all the allegations
10 contained in paragraphs 11 - 13 above, as though set forth fully.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Incompetence)**

13 16. Respondent is subject to disciplinary action under Code section 2761, subdivision
14 (a)(1), in conjunction with California Code of Regulations, title 16, section 1443, on the grounds
15 of unprofessional conduct, in that Respondent was incompetent by failing to properly train and
16 orient or document the training and orientation of her staff in the performance of routine care and
17 emergencies at Casa Bonita. Complainant refers to and incorporates all the allegations contained
18 in paragraphs 11 - 13 above, as though set forth fully.

19 **PRAYER**

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
21 and that following the hearing, the Board of Registered Nursing issue a decision:

22 1. Revoking or suspending Registered Nurse License Number 464970, issued to Jasmin
23 Taganas Martinez aka Jasmin Argel Taganas Martinez aka Jasmin Taganas Bueno;

24 2. Ordering Jasmin Taganas Martinez aka Jasmin Argel Taganas Martinez aka Jasmin
25 Taganas Bueno to pay the Board of Registered Nursing the reasonable costs of the investigation
26 and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED:

4/26/10

Louise L. Bailey

LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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